RESPONSE

This is a response to the Office Action dated December 14, 2006. The Examiner objected to informalities in claims 51, 62, 77, 90, 92-96, 98. The Examiner rejected claims 90-98 and 101 under 35 U.S.C. § 101 for non-statutory subject matter. Claims 51-55, 57-66, 68, 70-88 and 90-101 were rejected under U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 51-55, 57-66, 68, 70-88 and 90-101 were rejected under U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 51-55, 57-66, 68, 70-88 and 90-101 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub 2003/0046161 ("Kamangar"), in view of U.S. Pub 2003/0149938 ("McElfresh"). Claims 64, 70 and 80 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kamangar, in view of McElfresh, and further in view of U.S. Pat. No. 6,714,975 ("Aggarwal"). Lastly, claims 71 and 81 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of McElfresh, further in view of Aggarwal and further in view of U.S. Pub. 2004/0186776 ("Llach").

The rejections and objections from the Office Action of December 14, 2006 are discussed below. No new matter has been added. Various claims have been amended for clarity and claims 99 and 100 were canceled. Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

I. OBJECTIONS TO THE CLAIMS

The examiner has objected to informalities in claims 51, 62, 77, 90, 92-96, 98. The claims have been amended to correct all of the informalities cited by the examiner, thus the Applicants respectfully request that the Examiner withdraws his objections to the claims.

II. REJECTIONS UNDER 35 U.S.C. § 101

The Examiner rejected claims 90-98 and 101 under 35 U.S.C. § 101 for non-statutory subject matter. The Examiner asserts that the claims are "computer software *per se*" and lack the "computer-readable medium needed to realize the functionality of the computer program." Office Action of 12/14/06 p. 7. Applicants have amended the claims to incorporate a computer

readable medium. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of claims 90-98 and 101 in light of the amendment.

III. REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 51-55, 57-66, 68, 70-88 and 90-101 were rejected under U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The examiner states that the claims "contain subject matter which was not described in the specification in such a way as to enable one skilled in the art . . . to make and/or use the invention." Office Action of 12/14/06, p. 8. The Examiner's rejection focuses on the "nominal value," the "relevancy," the "effectiveness," and the "placement" of the page components. Office Action of 12/14/06, pp. 8-9. The applicants have amended the independent claims 51, 77, and 90 to remove all references to the "placement" of the page components. Furthermore the applicants have amended independent claims 51 and 77 to include a reference to the "clutter" of the webpage. The Applicants submit that the specification supplies adequate information about the "nominal value," the "relevancy," the "effectiveness," and the "clutter" to enable one skilled in the art to make and/or use the invention in compliance with the requirement of 35 U.S.C. § 112, first paragraph.

The specification states that the nominal values may be "assigned by the component provider." Specification, ¶62. Applicants believe that having the nominal value assigned by the component provider enables a person skilled in the art to determine the nominal value. Furthermore the Examiner admits that the "nominal value" may depend on "1. financial impact, 2. relevancy." Office Action of 12/14/06, p. 15. The specification states that financial impact may be "the effective CPM rate for paid ads", "payments made to third parties for use of their content" and "the basis of a charge back cost or an opportunity cost for displacing a paid ad." Specification, ¶36. Accordingly, the use of financial impact with the effective CPM rate for paid ads is an enabling example of a nominal value.

In addition, the specification states that the "relevancy" may be determined by third party applications. Specification, ¶38. The specification further states that "nominal value" may "simply be a weighted sum of the different factors." Specification, ¶40. Furthermore, the specification gives examples where the "nominal value" is merely equal to the "relevancy" (which may be determined by third party applications), such as "the nominal value of news

articles expressed in relevancy." Specification, ¶48. The specification further states relevancy may be, "relevancy to the request, relevancy to the page that generated the request and/or relevancy to a user profile . . . user profiles include demographic profiles and behavioral profiles." Specification, ¶37. The specification states relevancy can be measured by "matching keywords or other subject matter descriptors. If the request concerns SARS, and a component is explicitly targeted to the keyword SARS, there will be high relevancy." Specification, ¶37. Furthermore the specification states relevancy can be measured by "user profiles. If the user is in demographic category X (e.g., as determined by either self-reported data or based on the user's behavior) and the component is targeted to category X, there will be high relevancy." Specification, ¶37.

In addition, Fig. 6, Fig. 7, and Fig. 8 give examples where the nominal value is the relevancy. Specification, ¶50-52. For example, in Fig. 6, "the east side ad for Friskies is replaced by an ad 624 that had a higher relevancy." Specification, ¶50. In Fig. 7, the "east side ad 714 is replaced by an ad 724 that has higher relevancy." Specification, ¶51. Finally, in Fig. 8, the "north banner ad 824 is chosen to increase the relevancy." Specification, ¶52. Applicants submit that the specification adequately enables one skilled in the art to obtain the nominal value from the component provider or by determining the relevancy, which may be equal to the nominal value.

The specification states that many third party applications can be used to determine the "relevancy" of a page component, such as "conventional search engine technology, such as is available from Inktomi, Y! Search, Autonomy, Google and Overture" and "context matching technologies, such as those developed by Applied Semantics and ContextWeb." Specification, ¶38. Applicants submit that the use of the third party applications named in the specification would enable a person skilled in the art to determine the relevancy of a web page component, which may be equal to the nominal value.

The Examiner admits that "[t]he 'effectiveness' of a component depends upon ... 1. placement, and 2. clutter." Office Action of 12/14/06, p. 16. However, the specification states that "placement may be accounted for in the nominal value rather than in the effectiveness factor" and "the effect of placement may be ignored altogether in order to simplify the calculations." Specification, ¶48. Applicants remind Examiner that the specification states the "nominal value" may be assigned by the component provider. Specification, ¶62.

Therefore Applicants believe the specification supports an embodiment of the invention where the "effectiveness" may be based solely on the "clutter." Examiner admits that "the 'sum of the squares of the areas occupied by different components' ... is used to compute 'clutter.'" Office Action of 12/14/06, p. 19. Applicants believe that in one embodiment the computed clutter value may be used as the effectiveness for each web component. The specification states that "[c]lutter is created when too many components are included on a page." Specification, ¶44. To calculate the clutter, the specification states "simple mathematical models can be formulated, such as using the sum of the squares of the areas occupied by different components . . . [t]he higher this factor, the less clutter there is." Specification, ¶45. For example, "if the page has a total area of 100, it can be occupied by one component with an area of 100 or by one hundred components each with an area of 1. The 1-component page has a factor of 100^2 = 10,000. The 100-component page has a factor of 100 (1^2) = 100." Specification, ¶45. Thus, the overall value of the page may decrease as the page becomes more cluttered. Applicants submit that the specification adequately enables one skilled in the art to determine the effectiveness of a web component by calculating the clutter of the component.

Applicants believe that the specification adequately enables one of skill in the art to determine the nominal value and the effectiveness in one embodiment of the invention. The specification clearly describes an embodiment where the nominal value can be obtained from a third party, or determined by the relevancy and/or financial impact, and the effectiveness can be calculated using the sum of the squares method. Accordingly, Applicants submit that the specification adequately enables one skilled in the art to which the invention pertains, or with which it is mostly nearly connected, to make and/or use the invention and respectfully request that the Examiner withdraw this rejection of claims 51-55, 57-66, 68, 70-88, 90-98, and 101.

IV. REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 51-55, 57-66, 68, 70-88 and 90-101 were rejected under U.S.C. § 112, second paragraph, as being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Office Action of 12/14/06, p. 13. Applicants believe the claims are definite as discussed above. Furthermore, applicants believe that the "nominal value" is definitively claimed because it can be obtained by one skilled in the art from the component provider or other third party. Specification, ¶38, 62. Applicants also

believe that the effectiveness is definitively claimed as the clutter of the web page, which can be calculated by the sum of squares method. Specification, ¶45. In addition, Applicants have amended the independent claims 51, 77, and 90 and added dependent claims 102-106. These amendments and additions are purely for clarity and are unrelated to patentability. Accordingly, Applicants submit that the subject matter is distinctly claimed and request that the Examiner withdraw this rejection of claims 51-55, 57-66, 68, 70-88, 90-98, and 101.

V. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 51-55, 57-66, 68, 70-88 and 90-101 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of McElfresh. With this response, independent claims 51, 77, and 90 have been amended for clarity and not for reasons relating to patentability.

The Examiner admits that Kamangar fails to disclose "identifying a set of candidate components used in a default composition of the web page" and "eliminating page components used in the default composition of the web page when such elimination increases the actual page value of the web page." Office Action of 12/14/06 p. 23. McElfresh teaches a system where "the website will request HTML code from the Rad Server 112 to place in the appropriate advertising blocks of the webpage." McElfresh, ¶50. McElfresh does not show adding page components to the page and eliminating page components from the page when the elimination increases the actual page value of the page.

In order to clarify this separation in the claims, the Applicants have amended the claims to include "placing the subset of candidate components onto the web page as page components," and "eliminating page components from the web page when such elimination increases the actual page value of the web page." Accordingly, the actual page value of the web page may be determined after the page components are actually placed on the web page. For example, the "interaction with other components (e.g., clutter or synergy) and placement" may be determined after placing the page components on the web page. Specification, ¶8.

Applicants respectfully submit that amended independent claims 51, 77, and 90, and all claims that depend thereon, are patentable over Kamangar in view of McElfresh because the combination of McElfresh and Kamangar fails to disclose all of the elements of amended independent claims 51, 77 and 90.

Dependent claims 64, 70, and 80 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of McElfresh, and further in view of Aggarwal. As stated above, neither McElfresh nor Kamangar teach adding page components to the web page and then eliminating components from the web page if it increases the overall actual value of the page as claimed. Aggarwal relates to "a method for dynamically assigning advertisements to web pages according to self-learned user information." Aggarwal, Col. 1, ll. 12-13. Aggarwal does not teach a method for adding page components to the web page and subsequently eliminating page components from the web page if the elimination increases the overall actual value of the page, as claimed in the independent claims. Accordingly, Applicants submit that claims 64, 70, and 80 are allowable over Kamangar, in view of McElfresh, and further in view of Aggarwal, because the combination of the references does not disclose all the elements of the independent claims.

Dependent claims 71 and 81 were rejected under 35 U.S.C. §103(a) as being unpatentable over McElfresh, in view of Kamangar, further in view of Aggarwal, and further in view of Llach. As stated above, Kamangar, McElfresh and Aggarwal fail to disclose the steps of both adding page components to the web page and then eliminating components from the web page if the elimination increases the overall actual value of the page, as claimed. Llach relates to "a system and method for generating and selecting targeted advertising using price metrics." Llach, ¶2. Llach discloses placing an advertisement "embedded within the web page 100." Llach, ¶26. Llach fails to disclose the steps of adding page components to the web page and then subsequently eliminating components from the web page if the elimination increases the overall actual value of the page, as claimed. Applicants submit claims 71 and 81 are allowable because the combination of Kamangar, Aggarwal and Llach fails to disclose all of the elements of the independent claims from which they depend.

CONCLUSION

Each of the rejections in the Office Action dated December 14, 2006 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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